

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

CELSIUS NETWORK LLC, et al.,

Debtors.

Case No. 22-10964 (MG)

**ORDER CLARIFYING CASE MANAGEMENT PROCEDURES FOR THE
CONFIRMATION HEARING
(MODIFICATION # 1)**

An Order establishing Case Management Procedures for Confirmation Hearing was entered on September 15, 2023. (“Procedures Order,” ECF Doc. # 3478.) Paragraph 7 of the Procedures Order provided that “Any party-in-interest that wishes to request any additions or modifications to these procedures may file a written request on the docket in this case” Debtors’ counsel filed a request for clarification of the Order (ECF Doc. # 3489), specifically with respect to the examination of witnesses.

Debtors’ counsel requests clarification with respect to any witness that the Debtors call in support of confirmation and that an objecting party also wishes to call in opposition to confirmation:

In that scenario, the Debtors would request that the opposing party’s examination of the Debtors’ witness occur at the same time that the Debtors present the witness’ direct testimony and make each witness available for cross examination.

Id. at 1.

The Court agrees with the Debtors. This request is consistent with my practice in all cases in which witnesses testify in hearings before me. Efficient procedures in a bankruptcy court evidentiary hearing generally support having all questioning of a witness in support of or in opposition to the relief sought take place during a witness’s

initial (and, hopefully, only) appearance in court rather than having the witness recalled to testify again at a later time in the case. Absent compelling circumstances, that is the procedure that will apply in this case.

IT IS SO ORDERED.

Dated: September 20, 2023
New York, New York

Martin Glenn

MARTIN GLENN
Chief United States Bankruptcy Judge